United Nations A/HRC/39/72

General Assembly

Distr.: General
19 July 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda items 10
Technical assistance and capacity-building

Report of the Independent Expert on the situation of human rights in Somalia

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, pursuant to its resolution 36/27. In the report, the Independent Expert highlights a progressive improvement of the human rights context, while noting considerable challenges that negate the full realization of human rights in Somalia. The positive developments include the process of establishing the National Human Rights Commission and the fact that Somalia ceased the inhumane practice of public executions in Mogadishu of persons sentenced to death.

The many challenges that remain include the continued violation of the rights to freedom of expression and opinion, by both the federal and State security forces, the violation of the rights of internally displaced persons, the absence of a legal framework for the protection of persons with disabilities and the plight of the rights of children who had been abducted by Al-Shabaab and subsequently recaptured or who had escaped. Somalia retains the death penalty despite having accepted the recommendations made in 2011 as part of the universal periodic review process to adopt a moratorium.

Other challenges include the continued existence of sexual and gender-based violence, in spite of campaigns and the implementation of the joint communiqué between the Federal Government of Somalia and the United Nations on the prevention of sexual violence, concluded on 7 May 2013. Al-Shabaab remains a potent threat in spite of the continued fight by troops from the Somalia National Security Forces and the African Union Mission in Somalia (AMISOM). The group has continued to carry out acts of terrorism, such as the 14 October 2017 bombing in Mogadishu that left hundreds of civilians dead. It also targets public officials and extorts taxes from the civilian population in areas under its control.

Somalia is still undergoing transition in its governance and the peacebuilding process. It has witnessed progress as well as setbacks in the political, social and economic spheres, which have included the removal of high-placed State officials from public office. Within a period of few weeks, the Speaker of Parliament and Chief Justice were removed from office. Somalia has observed a neutral stance vis-à-vis the Gulf crisis, thus avoiding potential destabilization owing its historical connections and proximity to the region.

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While the State formation process was completed in 2016, border disputes and territorial claims persist, in particular between Puntland and Galmudug. There is also an active conflict between Puntland and Somaliland in the Sool and Sanaag regions.

In the humanitarian sphere, the Independent Expert notes the almost twofold increase in internal displacement. The Independent Expert commends the humanitarian response for having averted loss of lives following the drought in 2017. He notes the unusually heavy rains and flooding during the second quarter of 2018, which displaced thousands of people and caused deaths in the Shabelle river valley and in Moga...nu, respectively.

The Independent Expert takes note of measures taken by AMISOM, such as the recruitment of human rights protection officers, who will enhance its compliance with human rights and international humanitarian law obligations. He commends AMISOM for taking further measures to eliminate sexual exploitation and abuse and to minimize civilian casualties during its operations.

The Independent Expert calls for the expeditious conclusion of the constitutional review process. He urges the Federal Government and the Federal Members States to increase their cooperation in order to enhance respect for human rights in Somalia.

The Independent Expert concludes the report by making several recommendations on the identified challenges, including that the international community ens..re that the drawdown of AMISOM troops be based on realistic timelines and criteria and that the Somali National Army is properly trained, funded and equipped to enable it to guarantee national security. He further recommends that the Federal Government accede/ratify several international and regional human rights instruments that it has not yet acceded to.

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I. Introduction

1. The present report of the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, covers the period since his previous report to the Human Rights Council at its thirty-sixth session (A/HRC/36/62). It is submitted pursuant to Human Rights Council resolution 36/27, in which the Council requested the Independent Expert to continue to work closely with the Federal Government of Somalia at the national and subnational levels, as well as with all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the Intergovernmental Authority on Development (IGAD), other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of, inter alia, its domestic and international human rights obligations and Human Rights Council resolutions and other human rights instruments, including associated routine reporting. The Council also requested the Independent Expert to report to it at its thirty-ninth session and to the General Assembly at its seventy-third session.

A. Political, socioeconomic and human rights landscape

2. As a background to the present report, it is imperative to record the steady progress made by Somalia during the past year, during which it continued to record significant improvements in the political, socioeconomic, humanitarian and human rights landscape, which led to stability throughout the country, with the exception of the reported terror attacks. The participation in 2018 of the Federal Prime Minister, Hassan Ali Khaire, in meetings of the World Economic Forum in Davos, Switzerland, held on 23–26 January 2018, was a highlight of the growing confidence in Somalia of the international community. Somalia continued to consolidate the peace, reconciliation and institution-building processes that had been a key feature since August 2012, when the Transitional Federal Government was established. However, despite the progress made, Somalia continues to face many security, political and economic challenges that have an impact on human rights situation in 2018.

B. National constitutional convention

3. During the reporting period, the Federal Government embarked on the process of adopting a permanent constitution. On 13–15 May 2018, Somalia convened in Mogadishu a national convention on the launch of the constitutional review process and planned to have a new Constitution before the "one-person, one-vote" elections scheduled to be held in 2020. The convention included representatives of the Federal Parliament, the Federal Government, the judiciary, the National Independent Electoral Commission, the Boundaries and Federation Commission, the Federal Member States, the Banadir Regional Administration, youth groups, women, civil society organizations, professional associations, religious scholars, members of the Somali diaspora, people with special needs, traditional elders and members of the international community.

4. The Prime Minister pledged financial and political support to the process and expressed his hope that the country would have a new constitution by the end of 2019. The Federal Government pledged $3 million for the process and urged the participants to produce a Somalia-owned document that would guarantee national unity. The Independent Expert commends the Federal Government for undertaking an inclusive process and ensuring that the review is a Somali-owned process. It is of paramount importance to reach political agreement to define the allocation of powers, economic resources and revenues so that the Federal Member States are not left behind. To that end, the Independent Expert applauds the commitment made by participants at the convention.

C. Economy

5. The economy of Somalia continued to improve and attracted positive assessments from international financial institutions. According to the African Development Bank (AfDB), between 2012 and 2016, Somalia recorded moderate growth, averaging about 3.4 per cent. In 2017, real growth in gross domestic product slowed to an estimated 2.4 per cent, due mainly to the drought, but it is projected to recover to 3.5 per cent in 2018 and 2019. The main drivers in 2017 were construction, telecommunications and financial services. The diaspora played a major role by investing funds from abroad and returning with critical skills. Projected growth in 2018 and 2019 is expected to be driven by the recovery of agriculture and higher private sector investment. Inflation is expected to remain around 2.7 per cent in 2018 and 2019.

6. AfDB noted that key economic achievements included drafting the first National Development Plan for the period 2017–2019, which articulated economic reconstruction and development priorities. Continued political stability and the improved security situation has enabled the country to focus on its implementation. Development programmes are being implemented to revive the social economic sectors, such as the education sector, and initial achievements have included the enrolment of more children in formal primary education.[1]

D. Challenges

7. Despite the progress made, Somalia continues to face security, political and economic challenges that have an impact on the human rights situation in 2018. Terrorism remains the major threat to peace and stability in the country. Al-Shabaab has continued its attacks on the civilian population, public officials and institutions, the Somalia security forces and the AMISOM contingents. On 14 October 2017, Somalia suffered the biggest terrorist bomb attack in Mogadishu, in which an estimated 800 people were killed. The continuing conflict with its high cost on civilian lives and insecurity continues to make headlines.

8. Drought ravaged Somalia for most of 2017. Internally displaced persons in and around Mogadishu were forcefully evicted from their settlements in December 2017. Floods in April and May 2018 affected large parts of the Shabelle river valley and Mogadishu. The number of internally displaced persons increased from 1.1 million to 2.1 million, due to conflict and climatic conditions, which had a negative impact on their right to shelter, a safe and healthy environment and other associated social and economic rights, in particular nutrition and health needs.

II. Mission to Somalia

9. The Independent Expert conducted his fifth mission to Somalia from 25 April to 4 May 2018.[2] Prior to the mission, he had conducted week-long consultations in Geneva and Nairobi and had met with members of the Human Rights Council, the Permanent Representative of the African Union to the United Nations Office and other international organizations in Geneva, representatives of international humanitarian organizations and civil society organizations working in Somalia. He briefed them on the human rights situation and humanitarian issues that would require his follow-up during the mission.

10. He discussed with the President of the Council the problem of lack of capacity in Somalia, the need to support post-conflict States such as Somalia in the implementation of Human Rights Council resolutions, and the need for the Council to consider practical ways on how recommendations addressed to post-conflict States could be implemented.

[1] More than 2,507,430 children aged 6–11 years enrolled for the primary school year from October 2017 to June 2018.

[2] Previous missions took place in December 2014, May 2015, April 2016 and May 2017.

Subsequent to his mission, the Independent Expert briefed representatives of the Development Group for Somalia, in Nairobi, and members of the Friends of Somalia group and the African Group, in Geneva.

11. The objectives of the mission were as follows:

(a) To assess the human rights situation and the capacity of Somalia to meet its human rights obligations and implement the recommendations of the Council and other human rights mechanisms;

(b) To follow up on issues related to sexual and gender-based violence and responses by the justice sector, particularly the role of the traditional justice system (*xeer*), when addressing the rights of women;

(c) To assess the rights of children in Somalia in general, in particular the treatment of children who had been recaptured or who had escaped from Al-Shabaab;

(d) To assess all other aspects of human rights that he had reported on previously.

12. The Independent Expert met with the Federal Minister for Human Rights and Women's Development, the Minister for Constitutional Affairs and the Minister of Justice, as well as the Ministers for Human Rights and Women's Development from Hirshabelle and Galmudug — two Federal Member States that he had not interacted with previously. In Puntland, he met with the Minister of Justice, the Minister for Religious Affairs and Rehabilitation, the Minister for Human Rights and Women's Development, the Acting Chief Justice and the Acting Attorney General.

13. The Independent Expert also held meetings with the leadership of UNSOM and senior officials of AMISOM, as well as representatives of development partners and members of civil society, with whom he discussed the human rights situation — based on the above-mentioned objectives — and the support of the international community to the Joint Programme on Human Rights, which was essential for the enhancement of the capacity of the Federal Government and other stakeholders to protect human rights.

14. During the various meetings, the Independent Expert was briefed on progress made in the political, social, economic and human rights fronts as well as the challenges faced since his previous report.

15. The Independent Expert held discussions with officials of the United Nations Children Fund (UNICEF) and attended a workshop organized in Nairobi for the Federal Government Ministers and officials and civil society organizations, on the rehabilitation and integration of children who had been recaptured from or who had escaped from Al-Shabaab. Regarding the fate of recaptured children, UNICEF emphasized that the best interests of the children must be adhered to during their recapture, screening, rehabilitation and integration back into their communities. UNICEF, the Federal Government and regional States governments, the security forces and civil society working for child rights have all worked closely to screen the recaptured children and determine their age. All parties recognized that the recaptured children should be treated as victims, rather than armed combatants, having been abducted and forcibly recruited, brainwashed and forced to engage in combat against their will.

16. The Independent Expert learned about counter-terrorism measures being conducted through the use of drone attacks as a means of combating Al-Shabaab. He emphasizes the need for all forces involved in the conflict in Somalia to ensure respect for international humanitarian law during military operations and to respect human rights during counter-terrorism measures against Al-Shabaab in order to protect the lives of the civilian population.

III. Capacity of the Government to implement its human rights obligations and cooperation with human rights mechanisms

17. Somalia is a State party to five of the core human rights instruments and the Optional Protocol to the International Covenant on Civil and Political Rights. It has

submitted two reports to the Council for the universal periodic review process, in 2011 and 2016. It acceded in 2015 to the Convention on the Rights of the Child. With the technical support of UNSOM and other United Nations agencies and development partners, the Federal and the regional State Ministries of Human Rights and Women's Development are currently implementing some of the country's human rights obligations. In 2011, Somalia accepted 155 of the recommendations made during the universal periodic review. During the 2016 review, Somalia accepted 168 recommendations out of 228. The recommendations contained in paragraphs 98.144 to 98.155 of the 2011 report of the Working Group on the Universal Periodic Review emphasized the need for Somalia to be given support and technical assistance to enable it to meet its obligations.[3] Yet the Federal Government and regional State Governments continue to suffer from lack of adequate human and material resources, which hamper their ability to meet their human rights obligations. Prior to his mission, the Independent Expert sought information from the Government on the rate and capacity of implementation of all Council resolutions accepted by Somalia, but was unable to obtain such information due to lack of capacity.

18. In discussing the capacity issue, the Federal Minister for Human Rights and Women's Development noted that little had changed since 2017.[4] Lack of office space and the need to train staff are some of the urgent capacity constraints the Ministry faces. The Ministry currently has 102 staff, assisted by two consultants, accommodated in five rooms in a building that the Ministry does not own. Of those consultants, one is supported by UNSOM and the other was hired to advise on gender and human rights issues and is helping to draft a report to the Committee on the Rights of the Child. The Independent Expert has raised this issue in previous reports.

19. The Minister for Human Rights and Women's Development for Galmudug informed the Independent Expert that her state had been neglected by both the Federal Government and United Nations agencies. As a newly established regional state, Galmudug lacks basic services. The Ministry has only five staff, and its capacity is very limited at all levels. The challenges Galmudug faces include high illiteracy rates and a lack of basic social services, such as health centres. The Minister complained that the resources invested by the international community into the Federal Government were not distributed equally among the Federal Member States. She stressed that Galmudug needed assistance, as it relied heavily on livestock, which had been badly affected by the drought. Galmudug called for adequate resources to be allocated to its government. It prided itself on being one of the safest states in Somalia, and it was time that businesses invested in the newly established regional States as they were doing in Mogadishu, Garowe and Hargeisa.

20. The Minister for Human Rights and Women's Development for Hirshabelle underscored the problem of inter-clan conflict, in particular with respect to land and water. This created food insecurity. She noted that the minority clans suffered the most as their lands were often grabbed by powerful clans, and livestock destroyed their crops before they were harvested. The Government collected money from the powerful clans, which compounded the victims' suffering and left them with no remedy. She stressed that minority clans had no access to justice as they could not afford the legal fees, thereby forcing them to go to traditional leaders for solutions. Legal aid did not exist. The Minister recommended that legal assistance be reintroduced to help victims.

A. Establishment of the National Human Rights Commission

21. During the period under review, the Federal Government established the National Human Rights Commission, which had been a long-standing recommendation of the Council. A section of civil society had complained that the process lacked transparency and credibility and it would perpetuate the clan-based structures. Upon inquiry from the authorities, the Independent Expert was informed that the process was supervised by external consultants, which guaranteed fairness, transparency and inclusivity. According to

[3] See A/HRC/18/6.

[4] See A/HRC/36/62, paras. 29–30.

the law, a minimum of three out of the total nine members of the Commission should be women. All applicants were subjected to a written test. The panel prioritized merit, without which inclusiveness would have been jeopardized.

22. The panel reviewed 615 applications. Eventually, 45 candidates (17 women and 28 men) were shortlisted and sat an interview on 18 December 2017. Nine prospective members of the Commission were selected, including four women and one person with a disability. At the time of preparing the report, the Cabinet had yet to finalize the procedures for making the Commission operational. The Independent Expert urges the Cabinet to finalize the establishment of the Commission and other constitutional commissions, such as the judicial service commission and the constitutional review commission, to enhance the State's capacity to ensure respect for human rights.

B. Somalia Joint Human Rights Programme

23. In February 2018 the Federal Government, UNSOM, the United Nations Development Programme (UNDP) and UNICEF launched the Joint Human Rights Programme to support the work performed by the Federal Government. The Programme aims to strengthen the nexus between human rights, children's rights and women's rights on the one hand and security and justice institutions on the other hand, through the implementation of the National Development Plan priorities, the commitments of Somalia under the universal periodic review and human rights road map.

24. The Programme, structured around two thematic areas, i.e. institutional development and social engagement and accountability, aims at empowering civil society to hold government institutions accountable. It should be noted that the five outcomes linked to the two thematic areas range from strengthening the capacity of ministries at the federal and state levels to support civil society organizations, to empowering rights holders — namely, the representatives of Somali women, men and children and persons with disabilities — to claim their rights.

25. The implementation of the Programme requires $5,523,809 of funding. So far, only $500,000 has been disbursed, by Sweden. Through the Joint Programme, the international community can offer practical ways to help Somalia build its technical capacity. The Federal Government itself is considering putting money into the joint programme, despite its limited resources. Such a contribution would demonstrate its ownership of the Programme.

26. Implementation of the Programme will contribute, inter alia, to the achievement of Goal 16 of the Sustainable Development Goals, on peace, justice and strengthening institutions, and will deliver on the National Development Plan for the period 2017–2019. It will also enhance the implementation of the rule of law, justice sector reforms and the existing Joint Programme on Women's Political Empowerment and Leadership.

C. Strengthening institutions for justice and the rule of law

27. In his previous report to the Council,[5] the Independent Expert noted that little had been achieved with regard to strengthening justice and rule-of-law institutions, and that capacity-building for justice and rule-of-law professionals was urgently needed.

28. The Joint Human Rights Programme is designed to address that situation, as it addresses the issue of strengthening institutions, accountability and respect for human rights. UNDP continues to roll out its mobile court programme, as security issues have prevented the construction of permanent infrastructure in some parts of the country. The Human Rights and Protection Group of UNSOM also conducts capacity-building training for various rule-of-law personnel.

[5] Ibid., paras. 40–43.

D. Fight against Al-Shabaab, and security situation

29. The Somalia national forces, with the support of AMISOM troops, have ensured the improvement of the security situation in Somalia, thus strengthening democratic institutions, improving stability and delivery of services by the Government to the Somali people. In that connection, in April 2018, following week-long deliberations, senior commanders of AMISOM[6] concluded on their transition plan in Somalia. The commanders evaluated the status of the implementation of the plan, which included launching operations to flush out Al-Shabaab remnants and building the capacity of the Somali security forces, as stipulated in the country's National Security Architecture, as agreed by political leaders in April 2017. In December 2017, participants in a security conference in Mogadishu reiterated the need to ensure that the drawdown of African Union forces is based on realistic and not artificial timelines.

30. The Special Representative of the Chairperson of the African Union Commission for Somalia stated that the Somali National Security Forces needed to be supported with the required equipment and weapons and the required mobility to be able to perform their duties. In that connection, the Independent Expert welcomes the launch by the European Union of a 10.5 billion euro ($12.4 billion) "peace facility", which will be operational in 2021 to pay for military equipment, including lethal weaponry, for partner countries in crisis zones such as Somalia. The fund, when operational, will greatly enhance the capacity of Somalia national forces to fight Al-Shabaab and protect the country after the withdrawal of AMISOM forces.

E. Freedom of expression

31. The Independent Expert notes a slight improvement in the situation of the right to freedom of expression and opinion compared with the previous year, but continues to receive reports of alleged cases of arbitrary arrest, detention without trial, harassment and acts of intimidation of journalists committed by security forces and agencies at the Federal and Federal Member State levels. The reports indicate that arrests and intimidation were common in Berbera, Hargeisa, Garowe, Kismayu, Mogadishu, Galkayo, Bossasso, Baidoa, Beledweyne, Las Anod and Jowhar. During the reporting period, 4 journalists were killed and 12 wounded, particularly in the last four months of 2017. In addition, 22 journalists were arrested and 8 assaulted. Some allegedly received death threats or were imprisoned without due process but later released without any charges.

32. Three of the four journalists who were killed died on 14 October 2017, after the deadliest bomb blast to hit Mogadishu. In addition, two news media organizations were shut down in 2017 and six news websites were blocked in Somaliland on court orders, for publishing articles that had been deemed critical to authorities, or for reporting on the conflict between Puntland and Somaliland, which was considered a state security issue, thus constraining both traditional media and online platforms. Journalists have been arrested for publishing what is perceived as "fake news". Attacks on journalists, intimidation, harassment and death threats is pervasive and continues with impunity.

33. In the area of policy formulation and legislation, the proposed amendments to the Media Law that is currently before the Federal Parliament do not contain recommendations made by media practitioners. This might yet produce a law that does not meet international standards. At the Federal Member State level in Puntland, Parliament approved the amendments to the Media Law on 6 December 2017, while Jubbaland authorities initiated consultations on a media bill in November 2017.

[6] www.amisom-au.org.

F. Follow-up on the right to freedom of association

34. The Independent Expert followed up on a matter previously reported relating to the existence of two factions within the National Union of Somali Journalists.[7] He enquired from Federal Ministers and the Union factions about the status of implementation of the recommendations of the International Labour Organization (ILO) in which it, inter alia, called upon the Government to desist from interfering in the affairs of the Union and to guarantee the right to freedom of expression, to protect journalists from harassment, arrests, intimidation, threats and attacks and to investigate the assassination of journalists and threats thereof. The fact that there are two individuals who claim to lead the Union indicates that the matter has not yet been resolved. The Federal Government is equally divided on the issue. What started as dispute in the leadership in the Union has metamorphosed into a trade union issue attracting international attention at ILO, with the European Parliament and a number of European jurisdictions issuing orders and declarations against one of the leaders/factions in the Union.

35. The Independent Expert has sought to mediate the issue, primarily as a matter concerning the leadership of the National Union of Somali Journalists, but also to ensure that ILO[8] recommendations are implemented. In his view, the core of the problem is which of the two persons was elected legally as Secretary-General of the Union. When the Independent Expert met with the two sides, he sought clarifications on:

(a) Whether their respective elections as Secretary-General had been conducted in accordance with the Supreme Court ruling of 4 February 2016;

(b) Whether the elections had been consistent with the constitution of the Union.

36. The session did not bear any positive results but only managed to highlight the divergent views and claims for legitimacy by both sides.

37. The Independent Expert concluded that there were indeed two factions of the National Union of Somali Journalists operating side by side, with each one answering to a different constituency. Each of them has addressed communications to him at different times.

38. The Independent Expert holds the view that a lasting solution to the existence of two Secretaries-General of the National Union of Somali Journalists would be the proper implementation of the 4 February 2016 Supreme Court decision. There are three important observations he wishes to make: (a) the Supreme Court discussed the two general meetings held by the different "factions" — on 14–15 March 2011 and on 28–29 March 2011 — and declared the latter illegitimate and the former legitimate, including the election of Omar Farouk Osman; (b) the Court nonetheless directed that, as the three-year term allowed by the constitution of the Union had expired, fresh elections should take place within five months, overseen by the head of the regional appeals court, to validate the legitimacy of the participants at the general meeting and the results; and (c) it later transpired that the general meeting of the Union that had been organized by Mr. Osman on 13 February 2016 had been disrupted by National Intelligence and Security Services agents, notwithstanding that it had been sanctioned by the Banadir Regional Court. Yet the Government reported to ILO that a new Union leadership had been elected at a general meeting on 17 May 2016.[9]

39. ILO is on record as stating that the Government had interfered in the affairs of the National Union of Somali Journalists. It recalled the right of workers' organizations to elect their representatives freely as an indispensable condition to protect their interests. It stated that it is essential that public authorities desist from interference, so that workers enjoy this right. ILO urged the Government to abide by the Supreme Court decision and to refrain from interfering with the internal affairs of the Union and the Federation of Somali Trade

[7] See A/HRC/36/62, paras. 36–38.

[8] See 380th report of the Committee on Freedom of Association, available at www.ilo.org/gb/GBSessions/GB328/ins/WCMS_534575/lang--en/index.htm; and 383rd report, available at www.ilo.org/gb/GBSessions/GB331/ins/WCMS_592687/lang--en/index.htm.

[9] See 380th report, paras. 914, 924, 926 and 935 (a).

Unions and ensure that the elected leaders exercise their mandate freely, until otherwise determined by the members themselves.

40. The question that remains is whether the order of the Supreme Court, that a general meeting take place and be supervised by the head of the regional appeals court, has been satisfied. ILO made a specific recommendation concerning the need to abide by the Supreme Court decision. The Independent Expert holds the same view, that the Government abide by the Supreme Court decision and the ILO recommendations. However, he has found in neither the ILO ruling nor any other source any record of a general meeting at which Mr. Osman was elected, subsequent to the general meeting of 13 February 2016, which was disrupted. That disruption constituted government interference, hence the rebuke by ILO. Since no proper election has taken place subsequently, it is correct to state that there have been no elections as directed by the Supreme Court. Mr. Osman's position emanates from the elections of 14–15 March 2011, prior to the Supreme Court decision. It is for that reason that the Independent Expert is of the view that, in order to resolve the problem of the existence of two factions, new elections supervised by the Court should be held without government interference. That part of the Supreme Court directive remains unimplemented.

G. Rights of persons with disabilities

41. During his meeting with civil society organizations, one of the key issues that emerged was the absence of a legal framework for the protection of the rights of persons with disabilities, who in Somalia suffer multiple cases of discrimination and marginalization, such as access to employment opportunities. Somalia has not yet acceded to the Convention on the Rights of Persons with Disabilities, nor has it adopted legislation to provide for the rights and protection of such persons. The issue was brought to the attention of the Federal Minister for Human Rights, who stated that the Government was in the process of drafting such legislation and would in due course ratify the Convention.

IV. Humanitarian situation: internal displacement, drought and the impact of floods and humanitarian responses

42. During his mission, the Independent Expert followed up on the dire humanitarian situation affecting the civilian population — and internally displaced persons in particular — caused by conflict, drought and floods due to excessive rains. The human rights of the displaced remains very precarious, hence the need for durable and lasting solutions.

43. According to the Office for the Coordination of Humanitarian Affairs,[10] as many as 6.7 million people — more than half the population — were affected by the drought. About 926,000 people seeking relief from drought-hit areas were displaced between November 2016 and September 2017. Consequently, the number of internally displaced persons reported doubled in 2017 from 1.1 million to an estimated 2.1 million. The preparedness of the international community enabled a humanitarian response that averted famine and a massive death toll through innovative measures, such as the use of electronic money transfers and a voucher system instead of goods delivery, which enabled the affected population to receive timely assistance. The measures boosted the local economy, cut out gatekeepers and eliminated corruption. Unless long-term measures are taken, famine remains a looming risk in the coming years. The Independent Expert commends the international humanitarian community for their life-saving efforts during the 2017 drought. In that regard, the 2018 Humanitarian Response Plan highlights the need to sustain humanitarian life-saving efforts at levels similar to 2017.

[10] See OCHA and Humanitarian Country Team, Humanitarian Response Plan: January–December 2018 (2017). Available at www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20180206_somalia_humanitarian_response_plan.pdf.

44. The Federal Government of Somalia requested the establishment of a Drought Impact and Needs Assessment and subsequent Resilience and Recovery Framework in August 2017 to identify the root causes of recurrent drought and to develop a strategy for medium-term recovery and long-term resilience. The Assessment and Framework align with the Humanitarian Response Plan, the National Development Plan and the National Disaster Management Policy and are supported by the World Bank, the United Nations and the European Union.

45. It is of paramount importance that the Drought Impact and Needs Assessment and the Resilience and Recovery Framework be funded in a timely manner. In order to create impetus for partner funding, the Federal Government of Somalia and Federal Member States should primarily inject local resources in the furtherance of the ownership they have demonstrated in developing the plan.

46. According to the UNHCR-led Protection and Return Monitoring Network,[11] having averted a famine and deaths during the drought period, Somalia suffered heavy rains, floods and a cyclone/storm that resulted in deaths and affected livelihoods, livestock, shelter and key infrastructure across Somalia. Within a few weeks, Somalia experienced the heaviest rainfall in more than three decades. At the onset of the flooding in early May 2018, the Federal President accompanied by representatives of the international community visited the flooded areas in Beletweyne to assess damage and offer moral and material support.

47. An estimated 794.761 people were affected by the flooding in southern and central States, and more than 231,335 people were temporarily displaced. In total, 21 people were reported dead, including 9 in Hirshabelle State, 4 in Jubbaland State and 8 in the Banadir region. In Galmudug State, more than 7,200 people were affected and an estimated 5,248 temporarily displaced. The floods increased the high risk of an outbreak in several areas of waterborne communicable diseases, such as malaria and acute watery diarrhoea/cholera.

48. The 2018 Humanitarian Response Plan, valued at an estimated $1.5 billion, has only been 25 per cent funded. In addition, logistical challenges have continued to hamper humanitarian access and response in many areas. In that regard, on 20 May 2018 the Federal Government of Somalia and the United Nations launched an appeal for $80 million. The appeal aimed to provide the affected population with immediate assistance and avert a larger-scale humanitarian crisis, while seeking to capitalize on the agricultural potential the rains presented in order to address the food insecurity exacerbated by protracted drought.

49. The population of internally displaced persons in Somalia had doubled since the previous report mainly due to climatic conditions, but also to the continuing conflict, making Somalia one of the world's largest displacement crises.[12] In total, 108,500 Somali refugees have returned from the Yemeni conflict to Somalia since December 2017. In the absence of formal settlements, internally displaced persons and refugee returnees tend to join existing, congested settlements or establish temporary sites in urban and peri-urban areas, leading to half of all internally displaced Somalis to be located in and around Mogadishu and Baidoa.

50. In December 2017, informal settlements for internally displaced persons around Mogadishu, which had had infrastructure and access to considerable international humanitarian support, were demolished without due process. Before December 2017, mass evictions had occurred in March 2015, whereby 3,500 households — involving 123,421 individuals — had been evicted from the KM11 area of Mogadishu. In total, 143,510 individuals had been evicted in 2016 and 153,682 individuals in 2017. Forced evictions multiply the protection and displacement crises affecting Somalia. The displaced are unable to have access to or assert their basic rights, mainly due to a power imbalance between them and the evicting parties. The displaced have settled on private and government land, for which they do not have lasting tenure or security guarantees. In Mogadishu, the growing demand for private and public land since the withdrawal of Al-Shabaab has increased

[11] https://reliefweb.int/report/somalia/ocha-somalia-flash-update-6-humanitarian-impact-heavy-rains-25-may-2018.

[12] https://www.uninsomalia.org/durable-solutions-initiative.

difficulties for internally displaced and urban poor populations to find land where there is no risk of eviction.

51. In 2016 the Federal Government, in collaboration with the United Nations, the World Bank, non-governmental organization (NGOs) and the donor community, developed the Durable Solutions Initiative, an integrated and comprehensive approach for the reintegration of internally displaced persons, in line with the National Development Plan, as a collective framework to identify the causes of displacement and its protracted characteristics, and harmonize comprehensive and inclusive durable solutions, approaches and programming. It promotes a rights- and needs-based approach and simultaneously involves humanitarian, development, peace and State-building partners under the leadership of government authorities and respectful of international standards. The approach is a home-grown policy initiative that aims to address endemic displacement in Somalia. Based on the above principles and in spite of the ongoing fragile humanitarian situation, which has slowed down progress on the Approach, substantial achievements have been made in several areas, including: (a) policy dialogue and development; (b) joint planning and programming; (c) coordination; and (d) creating a base of evidence.

52. An underdeveloped regulatory framework, a weak protective environment and a lack of awareness of their rights have hampered access to justice for internally displaced persons. On 23 October 2009, Somalia signed but has not yet ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), which defines the rights of the displaced and the primary responsibility of national authorities in protecting those rights and ensuring the response to displacement.

53. The Independent Expert urges the Federal Government to adhere to the National Development Plan and the Integrated and Comprehensive Approach principle, in order to safeguard the basic rights of internally displaced persons and to desist from their arbitrary forced evictions. He also urges the Government to guarantee the legal protection for victims of forced eviction, by ensuring their right to due process, remedies and the allocation of alternative land for their settlement.

V. Rights of children in Somalia

54. One of the objectives of the Independent Expert's mission to Somalia was to assess the human rights situation of children in general and in particular the fate of children recaptured from Al-Shabaab. Apart from the abduction of children, the main root causes for the recruitment by Al-Shabaab of young people include socioeconomic and political exclusion, poverty, unemployment and radicalization, or the indoctrination with a violent extremist ideology. A substantial number of children have been abducted by Al-Shabaab from schools and villages to join their ranks. Some children have been known to travel unaccompanied and through hazardous routes to towns deemed safe in order to escape from Al-Shabaab, and have been cared for by civil society organizations. According to the statistics provided by UNSOM, Somalia has one of the youngest populations in the world. It is estimated that 75 per cent of its population is under 30 years old. There has not been an official census in Somalia since before the collapse of the Siad Barre regime.

55. The participation of young persons in decision-making is almost non-existent due to discrimination based on clan and cultural affiliations, age, education and poverty. Young women suffer in particular. Illiteracy is high, with around 55 per cent of young people unable to read or write. The figures reflect harsh realities and can explain why some young people join Al-Shabaab or other armed groups voluntarily.

56. Some of the young people who had been abducted by Al-Shabaab before being recaptured or escaping are undergoing rehabilitation programmes. The Independent Expert visited two rehabilitation camps for recaptured children, one in Mogadishu and another in Puntland. The Independent Expert witnessed the vocational training and psychosocial counselling that the children receive, the majority of whom appeared to be below the age of majority. They are taught skills ranging from mobile telephone repair to courses on electrical engineering, plumbing and motor mechanics. In Puntland, he learned that the children had been serving jail sentences of between 10 and 20 years imposed by the

military court for fighting with Al-Shabaab. UNICEF and civil society organizations were negotiating with Puntland authorities to have those sentences commuted, since the children had been forcibly recruited and were therefore victims and should not be subjected to double jeopardy. In addition, UNICEF was providing training to Somali authorities on the prevention of child recruitment, and their release and reintegration.

57. The Independent Expert commends UNICEF and civil society organizations for their most valuable protection and support to these children. He also expresses his appreciation to the Federal and Puntland governments, UNSOM, UNICEF and the centres for arranging the visits. He urges the international community to provide financial and material support to these centres and urges the Government to fund centres to rehabilitate and reintegrate the recaptured children into their communities.

VI. Women's rights, the role of traditional justice mechanisms (*xeer*) and the administration of justice

58. Women's rights in Somalia continue to suffer due to a lack of an adequate legal framework and the absence of strong law and order and justice institutions. Conflict-related factors, such as displacement, rapes committed by youth gangs and unidentified men in uniform, traditional practices such as forced marriages of young girls and female genital mutilation, have compounded the violations of women's rights in Somalia. During his mission, the Independent Expert continued his advocacy for enhanced physical protection of victims of sexual and gender-based violence and the need to adopt legislation against sexual offences and the provision of medical and psychosocial services to victims of such violence.

59. He also discussed the role of traditional justice mechanisms (*xeer*) in the protection of women against sexual and gender-based violence. The Independent Expert expressed his concern and regret at information indicating that sexual violence attacks against women remained pervasive and were carried out with impunity, citing the attack in October 2017 against a young girl by a member of the Puntland security forces who, according to reports, had been neither arrested nor prosecuted. The girl had been sent for treatment outside the country through a private benefactor.

60. In the newly formed Regional States, the vulnerability of women and girls has been exacerbated by the food crisis. There is a severe lack of capacity, which makes it difficult to provide protection to women. In Hirshabelle, women face many challenges. Some have been attacked and raped when going to or coming from the market. Sometimes women have been raped then killed. Some women who have become pregnant after being raped have been forced to leave their villages, and their babies are at risk of being killed. The women sometimes commit suicide if they cannot leave their village to give birth somewhere else. There are no centres that provide psychosocial counselling or support to these victims. Despite advocacy efforts, it is reported that female genital mutilation still occurs, because the women cutters have no alternative livelihoods.

61. In Galmudug, the child and maternal mortality rate is very high due to the lack of midwives and health centres. Women are unable to have access to antenatal or postnatal care and many die while giving birth. There are no orphanages to receive abandoned children. The illiteracy rate is also very high. The Independent Expert was informed of a rape case that took place in April 2018 following a clan conflict in which a clan member raped and attacked a 13-year-old girl with a knife, causing grievous bodily injuries. The Galmudug government has not prosecuted the alleged perpetrator due to lack of capacity and resources.

62. On 30 May 2018, the Federal Council of Ministers adopted the sexual offences bill. The draft bill is the fruit of cooperation between the Federal Government and international and local technical experts, including judges, police officers, prosecutors and investigators, civil society and the religious establishment. The bill comes in the wake of similar

legislation adopted in Puntland in 2016.[13] Unlike the 1962 Penal Code, it is tailor-made to address sexual offences in Somalia. Once adopted, the bill could serve as a template for other conflict-affected countries throughout the world.[14] The Independent Expert commends the Federal Government for taking this very bold and important step. He also commends Legal AID Worldwide, an international NGO, which contributed greatly to the drafting of and advocacy for the bill.

63. The bill, once adopted into law, will provide a legal framework that is essential for the protection of rights of women in Somalia. Its effective implementation will enhance greatly the realization of their rights. Yet laws alone will not restore the rights of women if the governments and society at large do not embrace these legal changes, as Puntland did in December 2016, when a gang rape case was resolved outside the framework of the sexual offences act.

64. It is in this context that the Independent Expert seeks to convene a national conference which will, inter alia, promote and disseminate these legal instruments to the traditional elders, religious leaders and local communities and will also address the role of traditional justice system (*xeer*) in the protection of the rights of women in Somalia.

VII. Puntland

65. The Independent Expert visited Puntland to assess the human rights situation since his previous visit. Puntland has continued to enjoy relative peace compared with the rest of South Central Somalia, in spite of an active conflict in recent months between Puntland and Somaliland forces over the long-standing territorial dispute in the Sanaag and Sool regions. A truce with Galmudug, a fellow Federal Member State with which it has a border dispute, is holding. As long as these conflicts remain unresolved, they not only affect the basic human rights of the residents of the regions, but also destabilize the peace and reconciliation process in Somalia. Puntland is also ensuring that Al-Shabaab, in the Galgala Mountains, does not increase its presence and attacks.

66. The Independent Expert learned about the Alternative Dispute Resolution Centres initiative, launched by the Puntland government with support of the European Union. The initiative has been implemented in collaboration with the International Development Law Organization, an international NGO that conducts capacity-building and training in Somalia. The initiative is a model integration of the formal and traditional judicial mechanisms (*xeer*), whereby civil disputes are resolved by traditional elders, while proceedings are recorded and decisions executed through the formal system. To strengthen access to justice and justice delivery, Puntland regularly sends magistrates to remote villages to adjudicate cases. Long distances that have to be covered remain a challenge.

67. As regards the gang rape case, the authorities stated that cooperation between the formal justice system, sharia scholars and traditional elders had ensured that justice for the victim was achieved. All of the young people involved were serving prison sentences and had paid compensation to the victim. The Independent Expert learned about the existence of a forensic lab that will enhance the investigation of cases of sexual and gender-based violence and enhance the delivery of justice to such victims in Puntland. It had been built through Swedish donor support and was the first of its kind in Somalia.

68. On the negative side, the Independent Expert learned about a practice whereby parents petitioned courts to discipline young people engaged in anti-social behaviour or substance abuse by sending them to jail. The practice had also affected young people from the diaspora, who had allegedly been sent back to Puntland to face this form of punishment. The practice violates the rights of young persons to the presumption of innocence, since they are not charged or convicted for any criminal offences.

[13] See A/HRC/36/62, para. 70.

[14] Discussions are currently under way between Legal AID Worldwide and the Minister for Gender, Family Affairs and Human Rights in Jubbaland about drafting a similar sexual offences bill for Jubbaland.

69. During his meetings with the Acting Attorney General, the Chief Justice and the Minister for Justice, it emerged that the practice was known within the Government. It had been reported that prisons were congested because of the illegal incarceration of these young people, although this was denied. The Independent Expert urges Puntland to address the social delinquency problems through social rehabilitation programme rather than through penal sanction.

70. In spite of these challenges, Puntland continues to record economic growth through the construction of vital infrastructure, such as a new airport and solar power generation farms, and has continued to host internally displaced persons, who enjoy vital services, including solar powered lighting in their settlements in the town of Garowe, on an equal basis to the other residents.

VIII. Somaliland

71. The Independent Expert could not visit Somaliland during the mission. However, through credible remote monitoring, he was able to record some positive as well as some negative developments that affected human rights. Somaliland had held presidential elections on 16 November 2017, and a new President, Muse Bihi Abdi, had been elected after 17 years of rule by President Ahmed Mohammed Mohamoud, known as "Silanyo". While the elections were deemed free and fair, it is noted also that prior to the election there had been a lot of harassment and intimidation, and Kalsan Television had been closed arbitrarily by a minister for reporting on a presidential candidate's rally. Intimidation of journalists had continued in the post-election period. In May 2018, two television stations were banned and journalists arrested for allegedly reporting destabilizing news. Journalists were intimidated and imprisoned for conducting investigations into corruption or topics deemed sensitive, such as the investment agreements regarding the Berbera Port.

72. Somaliland continues to punish persons who espouse national unification. A female poet who had composed a poem glorifying national unity was imprisoned for three years on 15 April 2018 but subsequently pardoned by the new President. A traditional ruler who had been imprisoned was also recently pardoned. The Independent Expert urges the Somaliland authorities to adhere to the human rights obligations that have been assumed by the Federal Republic of Somalia.

73. On 6 January 2018, the Lower House of Parliament passed the rape bill. The House of Elders, otherwise known as the *Guurti*, revised the bill on 12 April 2018, reducing the legal definition of a child from someone aged 18 years and under to 15 years and under, and removing the exemption of fathers and grandfathers from punishment if they are involved in cases of forced marriage. These changes negated the protection that the rape bill had introduced. The law, however, criminalized rape in Somaliland for the first time.

74. The Independent Expert urges the Federal and Somaliland authorities to find wisdom and engage in talks and negotiations to resolve their long-standing differences for the sake of peace and development in Somalia. The recent differences emanating from the proposed concession offered to the port operator DP World to invest in Berbera Port should be resolved for the good of the broader Somali people.

75. Similarly, the Independent Expert urges Puntland and Somaliland to resolve their territorial dispute over Sool and Sanaag for the long-term peace and development of the Somali people at large.

IX. African Union Mission in Somalia

76. During his mission to Somalia, the Independent Expert met with officials from AMISOM to follow up on a range of issues, including the action taken by AMISOM to strengthen its international humanitarian law and human rights compliance and accountability mechanisms. He also wanted to know about the gradual withdrawal of AMISOM troops. All of these issues have broader human rights implications in the short, medium and long terms.

77. The Independent Expert commended AMISOM for its sacrifices and achievements and paid tribute and gave his condolences to the troop-contributing countries whose soldiers had died following the detonation of improvised explosive devices by Al-Shabaab, or during active combat. He urged AMISOM to ensure that its forces complied with their international humanitarian law and human rights obligations during operations and to protect the civilian population.

78. AMISOM stated that it had adopted standard operating procedures and guidelines, including: the indirect fire policy; the 2012 rules of engagement; directive for commanders about their responsibilities during operations; the policy on the treatment of disengaged combatants; and procedures for the handling of persons detained by AMISOM. It also stated that it had conducted human rights training for its troops prior to deployment. As part of preparing the Somali security forces to take over security responsibility, it had trained officers of the Somalia National Army, the National Intelligence and Security Services and officials from ministries on the protection of children and women, who then used their skills to train other Somalis. In that regard, AMISOM underscored that it had recorded some considerable achievement.

79. AMISOM stated that it had recruited human rights officers to support the leadership and to assist the Boards of Inquiries during their investigations into alleged violations by its troops. AMISOM reported that the measures it had taken had substantially reduced cases of sexual exploitation and abuse.[15] However, it identified challenges that hampered the implementation of the recommendations of the Boards of Inquiries when culpability was established. There was a lack of funding for ex gratia payments to victims of its operations, which may lead to reputational damage for AMISOM. The Independent Expert urges the international community and other bilateral partners to continue to provide financial resources to AMISOM to enable it to compensate victims in cases of civilian casualties.

80. Another key challenge facing AMISOM is the discontinuation of United Nations support for its pre-deployment training, which affects some troop-contributing countries more than others. The Independent Expert urges the United Nations to renew support for pre-deployment training for countries that are in dire need of such support.

81. Regarding the implementation of the Security Pact reached under the outcome of the May 2017 London Conference on Somalia and Security Council resolutions, the Independent Expert took note of the first withdrawal in 2017 of 1,000 AMISOM troops. He also took note of the Federal Government transitional plan adopted on 22 March 2018, following the 4 December 2017 security conference. The Government and the international community had agreed on a transition plan that would enable Somalia to assume full responsibility for its security, based on realistic conditions and timelines. The Independent Expert took further note of Security Council resolution 2415 (2018) of 15 May 2018, in which the Council recalled its decision to authorize the African Union to reduce AMISOM uniformed personnel to 20,626 by 30 October 2018.

82. In March 2018, the Heads of State and Ministers from the troop-contributing countries warned that an unrealistic drawdown would lead to a reversal of the gains made by AMISOM. While taking note of the concerns of troop-contributing countries, the Independent Expert urges the international community to ensure that the Somalia transitional plan is supported and fully implemented. The Federal Government of Somalia and its forces have the primary responsibility to guarantee the security of the States, its institutions and its people, a responsibility which cannot be delegated. Without security, the elections expected to be held in 2020 or 2021 could be jeopardized.

X. Inter-clan conflicts and the culture of arms

83. The Independent Expert strongly emphasizes the importance of strengthening the institutions of law and order and justice in Somalia, so that the Somali people can abandon the gun culture and inter- and intra-clan violence that is rampant and responsible for many

[15] See A/HRC/36/62, para. 79.

civilian deaths. Due to the absence of strong justice institutions, clans tend to resolve their disputes through violent means. The current efforts by UNDP to establish mobile courts is a beginning, but the pace of building police stations, correctional facilities and courts across the country remains slow. The Mogadishu Court Complex model should be replicated in other places.[16] Without such infrastructure, the majority of Somali people will continue to resolve their disputes through the traditional mechanisms, or worse still through violence, or will be forced to submit to Al-Shabaab's draconian justice in the area it controls, if the group is not defeated. Hence the need to finance the justice sector reforms and institution-building in tandem with the security sector reforms.

XI. Conclusions

84. The Independent Expert expresses his appreciation to the Federal Government of Somalia and the authorities in Puntland for their cooperation during his fifth mission. He commends the Federal Government and the people of Somalia for the progress they have made since his fourth visit to Somalia, in May 2017. Notwithstanding the continuing threat from Al-Shabaab, the improvement in governance and the peacebuilding process is indicative that the human rights situation in Somalia is on the right track for recovery. The Independent Expert once again acknowledges the economic transformation that is evident in Somalia.

85. At the institutional level, the Independent Expert commends the constitutional review process. The establishment of the National Human Rights Commission demonstrates the confidence in the ongoing peace and reconciliation process and the need for accountability. He commends the Federal Government for implementing a long-standing Human Rights Council recommendation. Once it is fully operational, the Commission will play a vital role in the promotion and protection on human rights in Somalia.

86. The Joint Human Rights Programme and the adoption of the Durable Solutions Initiative for internally displaced persons deserve the support of the international community for their timely implementation.

87. The rehabilitation of young people who are recaptured from Al-Shabaab is critical for the protection of children's rights. Financial support to those civil society organizations that care for children and conduct rehabilitation programmes must be enhanced.

88. The Independent Expert commends the Federal Government for its commitment to assuming its rightful and primary responsibility for its security, and also commends AMISOM for its continued commitment to bringing peace and reconciliation in Somalia, fighting side by side with Somalia national forces. He urges the international community to continue its support for the transitional plan and to provide resources to give full effect to the plan.

89. The conflicts between Somaliland and Puntland and between Puntland and Galmudug are worrisome and threaten national cohesion, peace, reconciliation and development. Unnecessary resources are lost in armed conflict between the same people. A long-lasting solution must be found in order to bring a lasting peace to Somalia.

90. The international community must continue its support to Somalia to enable it to address the human rights, security and development challenges like any other developing State. The Independent Expert calls for appropriate funding of the civilian institutions of governance, such as the courts, ministries and regional States, in order to enhance their capacity to fulfil their respective mandates and governance obligations. He therefore calls on all bilateral and multilateral partners to continue their support for Somalia.

[16] See A/HRC/36/62, para. 41.

XII. Recommendations

91. In view of the foregoing, the Independent Expert makes the following recommendations to the Federal Government:

(a) Ensure the implementation of outstanding recommendations of the Human Rights Council and any other United Nations mechanisms, including ILO recommendations;

(b) Finalize the operationalization of the National Human Rights Commission and provide it with adequate resources;

(c) Ensure that local resources are deployed for the implementation of the Joint Human Rights Programme, to demonstrate ownership and attract funding from partners;

(d) Establish conditions to resolve long-standing disputes at the Federal and State levels concerning territorial and boundary claims between different components of Somalia;

(e) Take concrete measures to amend the Media Law or adopt a new Media Law and take into consideration stakeholders' input when amending or adopting the new Law; and guarantee the rights of journalists and the freedom of the media;

(f) Desist from the harassment, intimidation or arbitrary arrest of journalists, and ensure their protection against attack or assassination;

(g) Accelerate the finalization process for Parliament to adopt the sexual offences bill and ensure its assent expeditiously;

(h) Mobilize local and external resources, including from the private sector, for the sustainable implementation of the Durable Solutions Initiative for internally displaced persons, the Somalia Drought Impact and Needs Assessment, and the Resilience and Recovery Framework;

(i) Establish lasting solutions for victims of floods, including relocation to higher grounds;

(j) Ensure the legal protection of victims of forced eviction, including legal redress and remedies, and abide by the principles through which the Durable Solutions Initiative operates, in particular the integrated approach principle;

(k) Review urgently laws regulating land ownership and property rights, in order to safeguard the rights of internally displaced persons against forced evictions;

(l) Finalize and submit its report to the Committee of the Rights of the Child;

(m) Enhance the protection of children against abduction by Al-Shabaab and establish rehabilitation centres for children recaptured from Al-Shabaab, and increase support to the centres operated by civil society organizations;

(n) Accede to the United Nations Convention on the Rights of Persons with Disabilities and adopt legislation on the protection of persons with disabilities in Somalia;

(o) Accede to the Convention on the Elimination of All Forms of Discrimination Against Women;

(p) Accede to the Protocol to the International Covenant on Civil and Political Rights, which prohibits the involvement of children in armed conflict;

(q) Ratify the Kampala Convention;

(r) Accede to the Rome Statute of the International Criminal Court and other core human rights instruments to which it has yet to accede.

92. **The Independent Expert also makes the following recommendations to the international community and other bilateral partners:**

(a) **Consider budgetary implications when making recommendations, to ensure they are fully funded, thus lightening the burden on States, particularly those emerging from conflict or civil strife;**

(b) **Support the Federal Government and Federal Member State governments in the implementation of the Joint Human Rights Programme, the Drought Impact and Needs Assessment, the Resilience and Recovery Framework and the Durable Solutions Initiative to enhance the protection and resilience of victims of displacement caused by conflict, drought and floods;**

(c) **Continue its financial support for the Federal Government and AMISOM in their fight against Al-Shabaab;**

(d) **Coordinate with the Federal Government and AMISOM regarding the implementation of the financing of the transition plan in the security sector and the training of Somali National Security Forces and the police, in order to ensure that they discharge their law and order, security and defence obligations effectively;**

(e) **Ensure that the justice sector reform programme is adequately, commensurately and appropriately funded in order to enhance the capacity of human rights and justice institutions, so that they can underpin democratization after the transition period;**

(f) **Provide financial resources to AMISOM to enable it to compensate civilian casualties and to provide support for pre-deployment training;**

(g) **Resume funding to troop-contributing countries that are not able to finance their own pre-deployment training;**

(h) **Ensure that any withdrawal by AMISOM from Somalia meets the realistic conditions and timelines after proper strategic analysis of the threat that may be posed by a hasty withdrawal.**

93. **The Independent Expert further makes the following recommendations to AMISOM:**

(a) **Continue to work on its gradual withdrawal from Somalia on the basis of Security Council resolutions and the conditions set forth in the transition plan, in particular the readiness of Somalia National Security Forces to take over security responsibilities;**

(b) **Continue to implement the civilian casualty tracking system in order to minimize the accidental deaths of civilians and to ensure accountability for civilian deaths;**

(c) **Ensure that human rights training for its troops is continuous in order to ensure compliance with the human rights due diligence policy on United Nations support to non-United Nations security forces, and share the results of its Board of Inquiries investigations with the Federal Government of Somalia and the United Nations partners during their regular consultations, which should also exercise confidence in the AMISOM Boards of Inquiries.**

94. **The Independent Expert makes the following recommendations to civil society:**

(a) **Continue its advocacy work for the provision of adequate resources from the international community, Governments and the private sector, to enable it to discharge its promotional mandates;**

(b) **Continue advocacy for the rights of marginalized groups, including internally displaced persons, members of minority clans, women, children, elderly persons and persons with disabilities;**

(c) **Ensure advocacy and public sensitization about the role of the National Human Rights Commission to ensure that it is properly funded by the Government and that it exercises its independence and impartiality.**